

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In re:

THE DIOCESE OF ROCHESTER,

Case No. 19-20905
Chapter 11 Case

Debtor.

THE CONTINENTAL INSURANCE COMPANY,
successor by merger to Commercial Insurance Com-
pany of Newark, and Fireman's Insurance Company
of Newark, New Jersey

Adv. Proc. No.: 23-02014

Plaintiff,

v.

THE DIOCESE OF ROCHESTER,

Defendant.

Pursuant to the Order of Honorable Paul R. Warren, U.S.B.J., dated March 11, 2024, the parties submit the following Proposed Discovery Plan in advance of the telephonic Rule 16(b) conference with the Court scheduled for April 12, 2024, at 11:00 a.m. This Proposed Discovery Plan applies only to the above-captioned adversary proceeding.

1. Pursuant to Rule 26(f) FRCP/Rule 7026 FRBP, meetings were held on March 27 and 29, 2024 by telephone and conducted by counsel for each of the parties to the above-referenced actions and counsel for the Official Committee of Unsecured Creditors of The Diocese of Rochester (the "Committee").

2. The Committee may intervene as a defendant in the adversary proceeding. The Committee shall file an answer to Plaintiff's complaint by April 8, 2024.

3. Compliance with the mandatory disclosure requirements found in Rule 26(a)(1) will be completed by no later than April 19, 2024. The parties have no objections regarding initial disclosure requirements.

4. Document productions responsive to previously issued demands shall be substantially completed on or before April 8, 2024.

5. All fact discovery shall be completed no later than May 17, 2024.

6. If a discovery dispute arises regarding the production of documents, and the parties are unable to resolve the dispute through a meet-and-confer process, the party seeking relief shall initially advise the Court of the dispute via letter (with a copy to opposing counsel). Upon review of the letter, the Court will schedule a conference with the parties to attempt to settle the dispute informally. If the dispute is not resolved informally, the party seeking relief will have the opportunity to file a formal motion to compel, which absent further order of the Court shall be filed no later than April 22, 2024. The Court may reset discovery and other deadlines as part of its resolution of a motion to compel.

7. The same process shall be followed with respect to any dispute regarding depositions. If such a dispute is not resolved informally following a conference with the Court, the party seeking relief will have the opportunity to file a formal motion to compel, which absent further order of the Court shall be filed no later than ten days after the completion of the deposition.

8. The parties shall: identify any expert witnesses and topics on or before April 26, 2024; identify rebuttal expert witnesses and topics on or before May 6, 2024; provide any reports pursuant to Rule 26(a)(2) no later than May 27, 2024; and provide rebuttal expert reports on or before June 3, 2024. All expert depositions shall be completed no later than June 17, 2024.

9. A pre-motion conference is required prior to the filing of a motion for summary judgment. To request a pre-motion conference, the proposed movant shall, on or before June 27, 2024, file a letter with the Court informing the Court of the basis for the anticipated motion for summary judgment. Opposition letters shall be submitted within 5 business days after receipt of

the proposed movant's letter. The Court will promptly determine whether to hold a pre-motion conference in the matter. The Court will set the briefing schedule at the pre-motion conference as applicable.

10. The parties previously mediated the matters raised in these actions. The parties have agreed to an additional mediation session during July 2024 with Paul J. Van Osselaer.

11. If a pre-motion conference is not held by the Court, then, subject to the Court's calendar and availability, the Court shall schedule a trial on CNA's adversary complaint during the week of July 22, 2024.

12. Any of the dates in this Order may be reset by the Court upon agreement of the parties or if a party files a motion establishing good cause.

Dated: April 2, 2024

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